



**Professional Services Agreement
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 9
AGENDA DATE: Thu 10/07/2004
PAGE: 1 of 3**

SUBJECT: Authorize execution of an amendment to the professional services agreement with BARNES ARCHITECTS, Austin, TX, for additional services related to the explosion on November 3, 2003, during construction of the North Service Center, in the amount of \$621,769 for a total contract amount not to exceed \$3,229,584.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$621,769 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT:for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Alison von Stein, 974-7217; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: 10/02/96 - Consultant selection; 02/25/99 - Supplemental Amendment for completion of Phase II (design) and Phase III (construction phase) services; 07/01/99 - Supplemental Amendment for design, bid and construction phase services for access road improvements; 04/13/00 - Supplemental Amendment to add service bays and provide full time, on-site construction phase services; 08/08/02 - Supplemental Amendment for design and bid phase services and printing associated with re-bidding.

BOARD AND COMMISSION ACTION: N/A

PURCHASING: Amendment to an existing professional services agreement.

MBE / WBE: 24.57% MBE and 20.41% WBE subcontractor participation to date.

The North Service Center, located at 10414 McKalla Place, is a joint use project for the Austin Water Utility, the Public Works Department, and the Financial and Administrative Services Department (Fleet Services Division). It will provide facilities for:

- Austin Water Utility's North Line Maintenance, Central Stores and Meter Shop
- A facility for Street and Bridge operations currently based at the Harold Court and Kramer Lane facilities
- A facility for the traffic lane markings section of the Public Works Department which is currently housed at Harold Court
- A 16-bay vehicle service facility to replace the Fleet Services' current facility at Kramer Lane

The project has been delayed due to the explosion that occurred during excavation for a storm sewer line at the project site on November 3, 2003.

Excavation to remediate the site is underway and is anticipated to be completed in October 2004.



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The construction contract with the original contractor has been terminated because the submitted cost for continuing with the construction contract was greater than the limit allowable under State law, therefore, the project needs to be re-bid. In order to re-bid the project, the consultant is modifying the construction documents to take into account previously performed work, addenda, change orders, changed conditions due to the explosion review and inventory of construction materials on hand. The proposed supplemental amendment is for the remainder of the construction phase services to complete the project and warranty phase services. These services cannot be accommodated with the remaining authorization because:

- The previous construction effort absorbed a disproportionate amount of construction phase fees because it included the bulk of the submittal process, which is time-intensive.
- Over two years have elapsed since the hourly rates were last established and an increase in those rates is justifiable and allowable under the contract.

AUTHORIZATION HISTORY

DATE	DESCRIPTION	AMOUNT	CONTRACT
<u>AUTHORIZED AMOUNT</u>			
10/02/96	Council authorization to negotiate and execute Professional Services Agreement for design and construction phase services	\$225,000.00	02/26/97
	Program manual for site feasibility study		\$87,729.00 02/25/99
	Council authorization for design and construction phase management services	\$1,362,729.00	07/01/99
	Council authorization for construction management for McKalla Place Improvements	\$130,966.00	11/23/99
	Supp. Amend. #1 – McKalla Place		\$103,377.00 02/09/00
	Supp. Amend. #2 – Design, bid and construction ph. services		\$1,404,278.00 04/13/00
	Council authorization to add service bays & full-time, on-site construction administration services	\$568,055.00	
04/25/00	Supp. Amend. #3 – Service bays & McKalla surveying		\$343,128.00
03/09/01	Supp. Amend. #4 – Add central stores & full-time, on-site construction administration services	\$261,250.00	
05/01/01	Telecommunication services		\$6,413.00
08/08/02	Council authorization to add meter shop, and reimbursable cost to print bid sets	\$321,065.00	
08/15/02	Supp. Amend. #5 – Meter shop & printing cost		\$321,066.00
10/30/02	Revisions to building LMC		\$739.00
11/08/02	Revision to building LMC's water line easement		\$1,177.00
11/20/02	Revisions to Bldg. LMA		\$14,452.00
12/05/02	Revision to water collection system, addition of 100 kW generator, and services for telecommunication, data & security systems	\$10,785.00	
02/14/03	Additional voice & data receptacles		\$492.00
04/19/04	Additional services Nov. '03 to Jan. '04 related to the explosion		\$56,496.00
08/20/04	Disencumber remaining encumbrance		- \$328,485.00
08/25/04	Supp. Amend. #6 for additional services Feb. '04 through '04 related to the explosion, modifications of construction documents to re-bid the project, bid phase services and 20% of the construction phase services		May \$324,918.00
	Proposed Supp. Amend. #7 for 80% of the construction ph. services	<u>\$546,769.00</u>	<u>\$546,769.00</u>
	Totals	\$3,229,584.00	\$3,229,584.00



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Subconsultant participation stated in the original solicitation was 8.6% MBE and 18.2% WBE.
Participation stated in the original agreement (Program Manual): 21.59% MBE; 17.08% WBE; 61.33%
Non M/WBE.

Barnes Architects - 22.34%

MBE 40.00%

MB - ASD Consultants - 19.95%
MH - Jaster-Quintanilla - 14.80%
MH - Martinez Wright & Mendez - 5.25%

WBE 32.44%

Coleman & Associates - 0.71%
Harutunian Engineering - 31.73%

Non-M/WBE 5.23%

Freese & Nichols - 4.37%
LM Holder - 0.86%

Overall participation including this amendment: 24.57% MBE, 20.41% WBE and 55.02% Non
MBE/WBE.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

9/30/2004
Resolution
Austin Water Utility

DESCRIPTION:

Authorize execution of an amendment to the professional services agreement with BARNES ARCHITECTS, Austin, TX, for additional services related to the unexpected explosion on November 3, 2003, during construction of the North Service Center, in the amount of \$546,769 plus a contingency in the amount of \$75,000 for a total contract amount not to exceed \$3,229,584.

FINANCIAL INFORMATION:

Parent Project Name: 1998 Water Improvements Prop. 8
Project Authorization: 2002-03 Amended Capital Budget
Funding Source: 1998 Revenue Bonds
Number: 4200 227 1024

Current Appropriation	\$ 64,179,000.00
Unencumbered Balance	26,649,974.33 *
Amount of This Action	<u>(310,884.50)</u>
Remaining Balance	<u>\$ 26,339,089.83</u>
Current Available Balance	\$ 27,149,974.33
Less Outstanding Commitments	<u>(500,000.00)</u>
Estimated Unencumbered Balance	<u>\$ 26,649,974.33 *</u>

Utility Finance: _____



David Anders, Utilities Finance Manager

Date: _____

9/2/04

REF. # 4200 227 7959

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

9/30/2004
Resolution
Austin Water Utility

DESCRIPTION:

Authorize execution of an amendment to the professional services agreement with BARNES ARCHITECTS, Austin, TX, for additional services related to the unexpected explosion on November 3, 2003, during construction of the North Service Center, in the amount of \$546,769 plus a contingency in the amount of \$75,000 for a total contract amount not to exceed \$3,229,584.

FINANCIAL INFORMATION:

Parent Project Name: 1998 Wastewater Imps. Prop. 9
Project Authorization: 2002-03 Amended Capital Budget
Funding Source: 1998 Revenue Bonds
Number: 4530 237 2020

Current Appropriation	\$ 66,802,000.00
Unencumbered Balance	27,497,508.97 *
Amount of This Action	<u>(310,884.50)</u>
Remaining Balance	<u>\$ 27,186,624.47</u>
Current Available Balance	\$ 28,211,218.97
Less Outstanding Commitments	<u>(713,710.00)</u>
Estimated Unencumbered Balance	<u>\$ 27,497,508.97 *</u>

Utility Finance: _____

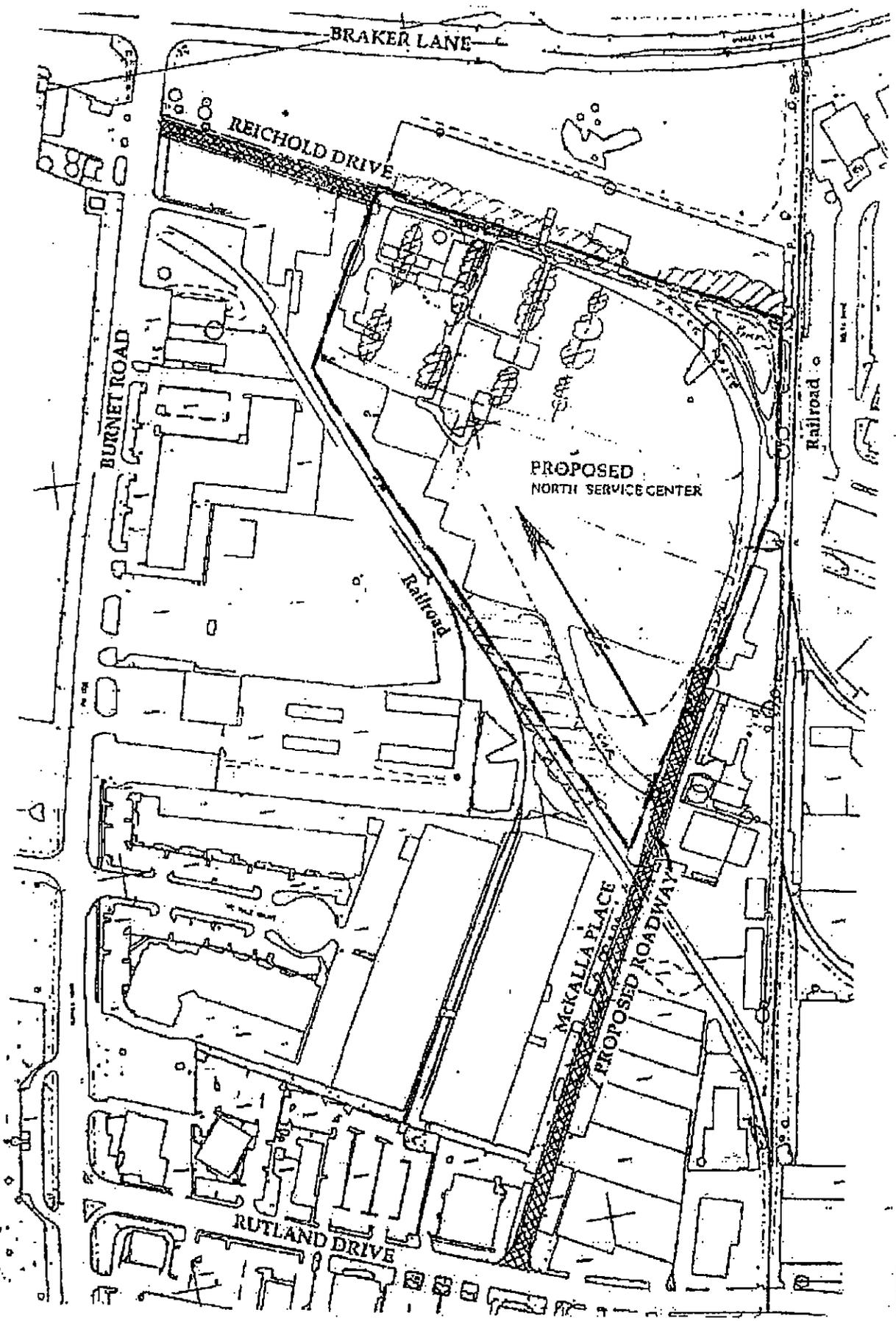


David Anders, Utilities Finance Manager

Date: _____

9/2/04

REF. # 4530 237 8962



LOCATION MAP